IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Ted C. Johnson	§	Art Unit:	2444
		§		
Serial No.:	10/800,828	§		
		§	Examiner:	Umar Cheema
Filed:	March 15, 2004	§		
		§		
For:	Method and Apparatus for Effecting Secure Communications	§	Atty. Dkt. No.:	200315498-1 (HPC.0110US)
		§		
		§		

Mail Stop Appeal Brief-Patents
Commissioner for Patents
P.O. Box 1450
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REPLY BRIEF

Sir:

The following sets forth Appellant's Reply to the Examiner's Answer dated December 10, 2008.

I. SPECIFICATION OBJECTION AND REJECTION UNDER 35 U.S.C. §101

Appellant acknowledges the withdrawal of the objection to the specification, and the withdrawal of the §101 rejection.

II. REPLY TO EXAMINER'S ANSWER REGARDING THE REJECTION OF CLAIMS 1-3

Independent claim 1 recites a method of effecting secure communications between a server and a client, the server executed in a server computer and the method comprising:

- detecting, at the server computer, a client connection at a first port;
- providing, by the server computer, the client with a decoy port number; and
- providing, by the server computer, services to the client on a second port having a second port number that is mapped to the decoy port number, wherein the second port number is different from the decoy port number.

In the Appeal Brief, Appellant pointed out various defects in the obviousness rejection of claim 1 over Yarborough and Hipp. Specifically, Appellant pointed out that the Examiner erred in arguing that Yarborough discloses providing, by a server computer, a client with a decoy port number, and providing, by the server computer, services to the client on a second port having a second port number that is mapped to the decoy port number, where the second port number is different from the decoy port number.

Yarborough teaches that the port number (of a data channel) transmitted by an FTP server to an FTP client program is the **same** port number at which data is to be transferred. Thus, Yarborough actually teaches against providing a decoy port number to a client, where the decoy port number is different from a second port number at which services to the client are provided.

In response to the arguments presented above, the Examiner cited the following passages of Yarborough to "clarify" the rejection: ¶¶ [0010, 0011, 0017]. Paragraph [0010] of Yarborough refers to an FTP server transmitting socket information to a passive FTP client program, and the passive FTP client program using the newly opened socket on the FTP server to initiate a session from the FTP client to the FTP server for data transfers. As further explained

in this passage of Yarborough, the FTP server is able to inform the passive FTP client program over a command channel that data will be provided on a newly opened logical communication port that is dynamically assigned by the FTP server. However, nothing in this passage of Yarborough provides any hint of providing a decoy port number to a client, where the decoy port number is different from a second port number at which services to the client are provided. Rather, this passage of Yarborough specifically teaches that a port number of a data channel is transmitted to the FTP client such that the data transfer can occur using such port number. Thus, Yarborough actually teaches the opposite of providing a **decoy** port number.

Paragraph [0011] of Yarborough refers to the FTP client initiating a session with the FTP server using a **received** IP address and port number. Paragraph [0017] of Yarborough refers to each data channel transmission occurring during an FTP session taking place on a different socket on the FTP server. However, these passages of Yarborough cited by the Examiner describe provision of a communication port that is actually used for data transmission -- there is absolutely nothing here to hint at providing the client with a decoy port number that is different from a second port number at which services to the client are provided.

Hipp also fails to disclose the subject matter discussed above that is clearly missing from Yarborough. The Response to Argument section of the Examiner's Answer cited various passages of Hipp, including col. 4, ln. 15-43, col. 6, ln. 19-40, and Figures 2 and 6. The cited col. 4 passage refers to Figure 2 of Hipp, and describes a virtual port multiplexing system that allows communication between a plurality of computers. Hipp allows multiple applications to direct communication to the same port number without interference by using the virtual port multiplexer system to redirect communications to virtual ports. Hipp, 4:15-37. In Hipp, reference is made to a port 9000. However, this port 9000 is an actual port used for data

communications, not a decoy port. Clearly, Hipp also provides no hint of a server computer providing the client with a decoy port number, and then providing services to the client on a second port having a second port number that is different from the decoy port number.

The cited column 6 passage of Hipp, which refers to Figure 6 of Hipp, has already been addressed in the Appeal Brief. This column 6 passage of Hipp also does not provide any hint of the claimed subject matter.

Therefore, even if Yarborough and Hipp could be hypothetically combined, the hypothetical combination of such references would not have led to the claimed subject matter.

For the foregoing reasons and for the reasons stated in the Appeal Brief, it is respectfully requested that the final rejection of claims 1-3 be reversed.

III. REPLY TO EXAMINER'S ANSWER REGARDING THE REJECTION OF CLAIMS 17-19

As pointed out in the Appeal Brief, the hypothetical combination of Yarborough and Hipp fails to disclose or hint at the following claim features: "receiving from the server computer a **decoy** port number that is an **invalid** port number" and "translating the **decoy** port number to a valid port number."

In the Response to Argument section, the Examiner cited ¶¶ [0010] and [0011] of Yarborough as purportedly supporting the obviousness rejection. 12/10/2008 Office Action at 15. As explained above, these passages of Yarborough have nothing to do with receiving a decoy port number – in fact, any port number that is communicated from a server to a client in Yarborough is a valid port number, not an invalid port number, as recited in claim 17. The Office Action also cited col. 7, ln. 2-7, and Figure 6, of Hipp, as purportedly supporting the

rejection. The cited column 7 passage of Hipp refers to virtual port multiplexing systems to register or record port translation. However, the translation performed in Hipp has nothing to do with translating a **decoy** port number (that is an **invalid** port number) to a valid port number, as recited in claim 17.

Therefore, since the hypothetical combination of Yarborough and Hipp would not have led to the claimed invention, the rejection of claim 17 is clearly in error.

For the foregoing reasons and the reasons stated in the Appeal Brief, reversal of the final rejection of the above claims is respectfully requested.

IV. CONCLUSION

In view of the foregoing and in view of arguments presented in the Appeal Brief, reversal of all final rejections is respectfully requested.

Respectfully submitted,

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